

STATE OF NEW HAMPSHIRE

DEPARTMENT OF STATE

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IN THE MATTER OF: )  
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 Local Government Center, Inc.; )  
 Government Center Real Estate, Inc.; )  
 Local Government Center Health Trust, LLC; )  
 Local Government Center Property-Liability Trust, )  
 LLC; )  
 Health Trust, Inc.; )  
 New Hampshire Municipal Association Property-Liability ) Case No.: 2011000036  
 Trust, Inc.: )  
 LGC – HT, LLC )  
 Local Government Center Workers’ Compensation )  
 Trust, LLC; )  
 And the following individuals: )  
 Maura Carroll; Keith R. Burke; Stephen A. Moltenbrey; )  
 Paul G. Beecher; Robert A. Berry; Roderick MacDonald; )  
 Peter J. Curro; April D. Whittaker; Timothy J. Ruehr; )  
 Julia A. Griffin; and John Andrews )  
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 )  
 RESPONDENTS )  
 )

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**SCHEDULING ORDER**

BACKGROUND

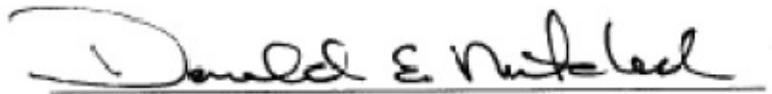
Pursuant to RSA 5-B and RSA 421-B:26-a, XIV and XV, on December 6, 2011 the presiding officer convened an informal conference of counsel representing all parties. The first purpose of the informal conference was to expedite discussions among counsel regarding pre-hearing matters relating to document production and confirming the record documents before closing the record related to the November 21, 2011 hearing consisting of legal arguments supporting the respective positions of the parties. The second purpose was to review procedural aspects of these proceedings, discuss specific completion dates, and reach agreement on the scheduling of procedural steps in this matter that would allow it to proceed in an orderly manner.

All counsel were provided the opportunity to address the state of the production of documents to date, the remaining documents requiring *in camera* review in connection with the November 21, 2011 hearing and identify the post hearing legal memoranda submitted by the respective parties. After substantial discussion of the scheduling issues attendant to this administrative proceeding, a consensus of counsel was achieved and is incorporated in the following orders:

1. The dispositive motion requesting withdrawal of some charges filed by the Respondent Andrews, emailed on Saturday, December 3, 2011 shall be considered effectively filed on Monday, December 5, 2011. The BSR shall be granted a period of twenty (20) days to file its objection to this motion. Hereafter, motions filed by a party shall be objected to or otherwise responded to within a period of ten (10) days. The presiding officer may exercise discretion to require a more rapid response or grant leave to extend the time for responding on specific motions consistent with due process and the presiding officer's authority under RSA 421-B:26-a. Other individuals named as respondents who have indicated that they desire to file their own similar motion in this regard may do so no later than March 14, 2012.
2. Each remaining respondent shall file a responsive, specific answer to the BSR petition, as amended, on or before December 31, 2011.
3. All parties' counsel shall reserve time for informal conferences of counsel beginning at 2:00 PM on Tuesday, January 3, 2012; Monday, February 7, 2012; and Monday, March 6, 2012 to be convened by the presiding officer at Room 425 in the State House Annex.
4. The BSR shall provide to the respondents its forensic accountant's expert report no later than thirty (30) days following the completion of its on-site examination of the records of LGC and its affiliates. Thereafter, the BSR shall not be allowed to further amend its petition unless new evidence incapable of being reasonably discovered prior to the completion of said report or other similarly restrictive good cause can be shown.

5. The respondents shall provide their financial experts' reports to the BSR on or before February 17, 2012.
6. Any expert not previously identified by the petitioner or the several respondents as of the date of this order shall not be allowed to provide evidence at hearing unless he or she is allowed by mutual agreement of all parties.
7. All discovery shall be completed no later than March 9, 2012.
8. All dispositive motions shall be filed no later than March 14, 2012. Any objections thereto shall be filed within ten (10) days.
9. Each party's final witness list and final exhibit list shall be filed no later than March 14, 2012.
10. The final pre-hearing informal conference of counsel shall be conducted March 20, 2012 at a time and location to be later specified by the presiding officer.
11. The evidentiary hearing regarding the merits and defenses of the issues remaining in controversy between the BSR and the respondents shall begin on April 9, 2012 at a time and location to be later specified and shall continue from day to day thereafter until completed unless otherwise ordered.

So ordered, this 14<sup>th</sup> day of December, 2011



Donald E. Mitchell, Esq.

Presiding Officer

Bar #1773

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## SERVICE LIST

cc: Jeffrey D. Spill, Esq.  
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